

PacifiCorp will defend coal-fired plant's air pollution permit

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Backers of a proposed coal-fired power plant in central Utah won the right last week to defend their air-pollution permit.

PacifiCorp and the Utah Associated Municipal Power Systems, calling themselves the "Development Committee," persuaded the Utah Air Quality Board to let them join the fight against the Utah chapter of the Sierra Club over the permit. The Development Committee wants to go forward with Unit 3, a new 950 megawatt coal-fired unit at the Intermountain Power Plant near Delta, and protect the millions of dollars already invested. But the committee is in court over the resistance of some of its former partners - a group of California municipalities including the Los Angeles Department of Water and Power. The group has a majority interest in the Delta power plant.

The Sierra Club, saying regulators never should have granted the permit in 2004, is appealing the state's decision to allow the new coal-fired plant. But the case has been on hold for months because of the dispute between the Development Committee and the Californians.

"Our purpose in intervening is obviously to defend our rights," said Michael Keller, arguing before the Air Quality Board on behalf of the Development Committee last week.

Attorney Joro Walker, representing the Sierra Club, urged the panel to reject the request. She noted that the former partners had refused to sign the state's change-of-ownership form needed to transfer the air permit to the Development Committee.

She also pointed out that the court could well decide the Development Committee doesn't own the permit, which means it might have no right to a place in the appeal.

"The proper course is to wait for the court to decide the issues," she told the Air Quality Board.

The Sierra Club went to the state Supreme Court two years ago for the right to dispute the permit. The group says it was wrong for the Utah Division of Air Quality to grant a permit for the Unit 3 project because the plant would impair visibility of the national parks downwind, including Capitol Reef, and because the plant was not required to use the latest clean-coal technology.

With the board's unanimous ruling last week, the appeal can now move forward. The board will hear evidence from both sides, with the state's lawyers teamed up with the Development Committee to defend the permit.

State regulations give the Air Quality Division the job of reviewing applications for any kind of polluting facility to make sure up-to-date technology is used and to assess its projected pollution output. The pollution of all key facilities is capped to meet standards set by the federal government that are aimed at protecting the health of people and the environment.

The permit granted for Unit 3, for instance, essentially limits the volume of pollution the plant would be allowed to release.

California passed a law in 2006 that has such a tough greenhouse gas emission limit that, in effect, it prevents any new energy from coming from a coal-fired plant like the proposed Unit 3.

The California partners, which get roughly three-fourths of all the power generated from IPP Units 1 and 2, have withdrawn their support for Unit 3 since enactment of that law.

Last summer, their attorney withdrew from the Sierra Club appeal case.

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